

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

ROTH GRADING, INC. d/b/a IMPACT  
ROLLER TECHNOLOGY, a Nebraska  
Corporation,

Plaintiff,

VS.

TESTA CORP., a Massachusetts Corporation,

Defendant.

8:04CV632

## ORDER OF DISMISSAL

The matter before the court is the parties' joint motion to dismiss this case with prejudice, Filing No. 52. The court finds that this matter should be dismissed with prejudice.

IT IS THEREFORE ORDERED that, pursuant to Fed. R. Civ. P. 41(a)(1), the plaintiff's cause of action against the defendants is hereby dismissed in its entirety, with prejudice, and with the parties to be responsible for their own costs and attorney fees.

DATED this 11<sup>th</sup> day of October, 2006.

BY THE COURT:

s/ Joseph F. Bataillon  
Chief United States District Judge